

7196. Adulteration and misbranding of dicalcium phosphate with vitamins B-C-D. U. S. v. Walker Vitamin Products, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7321. Sample No. 70638-E.)

INFORMATION FILED: March 30, 1944, Southern District of New York, against the Walker Vitamin Products, Inc., Mt. Vernon, N. Y.

ALLEGED SHIPMENT: On or about January 12, 1942, from the State of New York into the State of Georgia.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, Vitamin D, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the statement on the label of the article, "In Each Capsule * * * Vitamin D (Natural) 330 I. U.," was false and misleading since each capsule of the article contained not more than 165 International Units of vitamin D.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1207.

DISPOSITION: April 12, 1944. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

7197. Misbranding of dietetic macaroni. U. S. v. 12 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 12768. Sample No. 50297-F.)

LABEL FILED: June 27, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 29 and April 21, 1944, by Buitoni Products, Inc., from New York, N. Y.

PRODUCT: 12 cases, each containing 24 4-ounce packages, of macaroni at Pittsburgh, Pa.

Analysis showed that the article consisted of wheat flour, soy flour, wheat germ, a milk product, added vitamin B₁, and iron, and contained substantially more carbohydrates than the 38.70 percent indicated in the labeling. The macaroni was wrapped in paper and placed in packages which were the same size as packages used to hold 8 ounces of macaroni. The macaroni occupied less than half the volume of the packages.

LABEL, IN PART: "Buitoni * * * 40% Protein Special Dietetic Macaroni."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "24—8 oz. Packages," which appeared on the cartons containing the packages, was false and misleading since the cartons contained 24 4-ounce packages; and the following statements which appeared on the packages containing the article were misleading: "Ingredients: Wheat Protein (Gluten), Soy Protein, Milk Protein, Wheat Germ, Vitamin B-1, Iron," since the article did not consist of the three proteins listed together with wheat germ, vitamin B₁, and iron, but contained other ingredients; "Approximate Analysis * * * Carbohydrates 38.70%," since the product contained substantially more carbohydrates; "In this exceptionally nutritious product Wheat and Soy Proteins have been enriched with the Protein of the Milk, thus obtaining a biologically complete equivalent to Meat Protein," since the article was not a mixture of proteins, did not provide the nutritional values of meat, and was not of particular importance by reason of the combination of proteins it contained because it is not necessary that any one food in the ordinary mixed diet provide a biologically complete protein; "Due to its very low carbohydrates content, this product is especially recommended in Starch and Sugar restricted diets," since it contained a substantial amount of carbohydrates; "Each 4 oz. of Buitoni Dietetic Macaroni provides approximately $\frac{2}{3}$ minimum daily requirement of Protein," since this declaration exaggerated the quantity of protein provided by the product (4 ounces of macaroni is not the amount that would be customarily or usually consumed in a period of 1 day by an average individual, and no definite "protein requirement" for man has been established); "Comparative Protein Analysis Buitoni Dietetic Macaroni 40% * * * Meat 14 to 18% * * * Bread 9 to 10% Potatoes 2 to 3%," since the protein content of the article was substantially reduced when prepared for eating by reason of added water, which is not the case with meat, bread, and potatoes.

Further misbranding, Section 403 (d), the container was so filled as to be misleading since the macaroni occupied less than half the volume of the package; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin B₁ and mineral content (including phosphorus, calcium, and potassium), and its label failed to bear,

as required by the regulations, a statement of the proportion of the minimum daily requirement of minerals (other than iron) supplied by the food, and the statements concerning vitamin B₁ and iron were not set forth in terms of the amount which is reasonably suitable for and practicable of consumption during a period of 1 day, 4 ounces being in excess of that amount.

DISPOSITION: September 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7198. Adulteration and misbranding of Vitasol. U. S. v. Vitasol Corporation. Plea of guilty. Fine of \$500 on count 1; sentence suspended on count 2, and defendant placed on probation for 2 years. (F. D. C. No. 7731. Sample No. 69503-E.)

INFORMATION FILED: April 3, 1943, Eastern District of New York, against the Vitasol Corporation, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about July 15, 1941, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Vitasol The 6-V Health Builder."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B₁, phosphorus, and iron had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), certain statements regarding the vitamin and mineral content of the article, appearing on its label, were false and misleading, since they represented that the article contained approximately 1,000 U. S. P. Units Vitamin A per ounce, approximately 40,000 U. S. P. Units Vitamin A per 2½ pounds, approximately 150 International Units Vitamin B₁ per ounce, approximately 6,000 International Units Vitamin B₁ per 2½ pounds, approximately 0.0067 gram of iron per ounce, and 0.170 gram of phosphorus per ounce, whereas the article contained less than the approximate amounts of vitamins A and B₁, iron, and phosphorus represented; the statements on the label of the article, "Vitasol * * * Health Builder * * * Dedicated to the Betterment of Health * * * Vitamin A is vital to eyesight. Vitamins B₁, B₂ (G) stimulates the appetite, aids digestion. Vitamin C Favors good bone and tooth formation, prevents scurvy. The 'Sunshine Vitamin D' is important to general health, utilizes calcium and phosphorous in building strong teeth and bones. Organic Iron helps increase red corpuscle growth. Yeast as an aid to good blood and body functions. Dextrose for restoring energy. Soy Bean rich in protein (strength food). * * * Vitasol * * * health builder * * * quick revitalizing food for all active adults. Vitamins Vigor Vitality," were misleading since they suggested that the article would prevent scurvy, and that impaired health, poor eyesight, poor appetite and digestion, poor teeth and bones, general ill health, inadequate red corpuscle growth, poor functioning of the blood and body, low energy, weakness, poor health, and lack of vitality and vigor were frequently caused by lack of the vitamins and other substances named, and that the reader might reasonably expect that the article would be efficacious in the prevention of scurvy and in conditions of impaired health as above described, whereas the article would not prevent scurvy, and the conditions of impaired health as described are not frequently caused by lack of the vitamins and other substances named in the labeling, but usually result from other causes, and the reader might not reasonably expect the article to be efficacious to prevent scurvy or better such conditions of impaired health; and the statements, "Vitasol * * * prepared to provide a wide variety of protecting food elements (not available in the ordinary diet) essential to abundant vitality and health," borne on the article's label, were false and misleading since the article would not provide a wide variety of protecting food elements not available in the ordinary diet and which are essential to abundant vitality and health.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1208.

DISPOSITION: April 22, 1943. A plea of guilty having been entered on behalf of the defendant to the 2 counts of the information, the court imposed a fine of \$500 on count 1, and suspended sentence and placed the defendant on probation for 2 years on count 2.